

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES H. SMALLEY,

Plaintiff,

vs.

JOHN W. STEVENS,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 4:12CV00171 ERW

MEMORANDUM AND ORDER

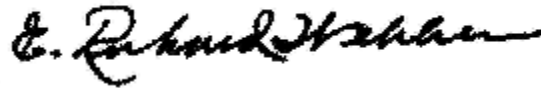
This matter comes before the Court on Plaintiff James H. Smalley's Second Motion to Compel [ECF No. 49]. Plaintiff's Second Motion to Compel was entered in the electronic case file on May 31, 2013. Plaintiff submitted several "supplemental" pages with his Second Motion. One of the pages is a letter addressed to the Court, dated May 21, 2013, that states receipt of his mail had been delayed, and claims Plaintiff had only recently received this Court's May 14, 2013 Memorandum and Order [ECF No. 46], which granted, in part, a prior Motion to Compel Plaintiff filed on April 26, 2013. Plaintiff's Second Motion to Compel concerns the same discovery dispute decided in the Court's May 14 Order.

Defendant John W. Steven filed "Defendant's Memorandum of Compliance with Court Order [Doc. 46]" on May 30, 2013 [ECF No. 48]. Evidently, Defendant's Memorandum and Plaintiff's Second Motion to Compel crossed in the mail. Defendant's Memorandum satisfies the Court that Defendant has substantially complied with the Court's ruling on the Plaintiff's prior Motion to Compel. Consequently, Plaintiff's Second Motion to Compel is moot, and will be denied.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Second Motion to Compel [ECF No. 49] is
DENIED as moot.

So Ordered this 12th day of June, 2013.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE